



**Educational
Technology Service**

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March 22, 2001

Federal Communications Commission
Office of the Secretary
445 12th Street
SW
Room TW-A325
Washington, DC 20554

RECEIVED

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FCC MAIL ROOM

Reference CC Docket Nos. 96-45 and 97-21 ✓
Re: 471 Application Number: 200390
Applicant: GV/WFL BOCES Educational Technology Service
Contact Person: Mary Ellen Darling / Melissa Raes
Funding Year: 07/01/2000 - 6/30/2001
Billed Entity Number: 124968
FRN: 0000438589

Based upon funding denial of the above noted application and FRN by the SLD, this letter is to inform you that we wish to again appeal the funding decision for the above noted FRN. The type of service for the FRN was modified on the SLD end from Internet Access to Internal Connections, then to Telecommunication Services and finally deemed not eligible for funding. The type of service should have never been changed and should be as originally requested - Internet Access. This service is for the lease of fiber optic lines allowing the Palmyra Macedon Central School District Internet Access. Our documentation shows that this request is for a lease of the fiber line, and is only used for data.

Attached is a copy of the Funding Commitment report with the area in question noted, a copy of the fiber lease agreement with the vendor that was attached with the application originally, and a copy of the USAC appeal decision letter.

Please look into this matter. If you have any further questions, please feel free to call Melissa Raes @ (315) 332-7327 or Camille Sorenson @ (315) 332-7244.

Thank You,

Camille Sorenson

Eisenhower Building
131 Drumlin Court
Newark, NY 14513-1863
FAX # 315-331-7045 Administration
FAX # 315-332-7446 Application Support
FAX # 315-332-7448 EduTech Receiving

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80 Munson Street
LeRoy, NY 14482
FAX # 716-344-7659

GV/NPL BOLESEdwhuk Pal Mac Fiber

FUNDING COMMITMENT REPORT

Form 471 Application Number: 200390

Funding Request Number: 438589 Funding Status: Not Funded
SPIN: 143019671 Service Provider Name: E.C.C. Technologies, Inc.
Contract Number: MTM
Services Ordered: Internal Connections
Earliest Possible Effective Date of Discount: 07/01/2000
Contract Expiration Date: N/A
Site Identifier: 124941
Billing Account Number: NOT PROVIDED
Pre-Discount Amount: \$70,800.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - Srvc/Discnt will NOT be funded
Funding Commitment Decision Explanation: Category of service was changed from
internet access to internal connections. The funding cap will not provide 81%
discount to be funded. For further details see WWW.SL.UNIVERSALSERVICE.ORG.

Attachment: Palmyra W Fiber (6)

SCHEDULE "A"

Price

Lease of Twelve (12) singlemode fibers by Operator per building, to all buildings owned by Customer and set out in section 3 of this Agreement. The High School will be the central hub for each of the 12 fibers installed to each district building as defined below.

The cost shall be \$5900.00 per month, 60 Month Term as agreed by all parties involved.

LOCATIONS

Palmyra-Macedon Senior High School	151 Hyde Pky. Palmyra, New York 14522
Palmyra Elementary School	120 Canandaigua St. Palmyra New York 14522
Macedon Elementary School	4 West St. Macedon, New York 14502



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2000-2001

March 8, 2001

Camille Sorensen
GV/WFL BOCES Educational Technology Service
Eisenhower Building
131 Drumlin Court
Newark, NY 14513-1863

LN Pal Mac Fiber

Re: Billed Entity Number: 124968
471 Application Number: 200390
Funding Request Number(s): 438589
Your Correspondence Dated: June 14th, 2000

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Three Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 438589
Decision on Appeal: **Denied in full**
Explanation:

- Your appeal claims that this is a request for leased fiber lines used for Internet access. Accordingly, you would like the SLD to change the category of service for this request to Internet access, as was originally requested, and provide discounts for this request.
- After thorough review of your appeal it has been determined that this is not a request for internal connections. Your documentation indicates this is a request for leased fiber lines to be used for voice, video, and data. According to program rules fiber lines used for voice and video are requests for telecommunications service, and must be classified as such. Therefore, the category of service for your request has been changed to telecommunications service in accordance with program rules.

- Your Form 471 indicates that you selected a vendor that is ineligible to provide telecommunications service under this program: {E.C.C. Technologies, Inc.}. FCC regulations provide that only telecommunications carriers are eligible for universal service support. *See* 47 C.F.R. § 54.501(a). FCC regulations define telecommunications carriers as any provider of telecommunications services, and telecommunications services as “the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.” 47 C.F.R. § 52.5(g), (h). Because this mirrors the common law definition of a “common carrier,” the FCC has determined that to be eligible to receive universal service support, the provider must provide telecommunications services on a common carrier basis. *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Report and Order*, FCC 97-157 ¶ 134 (rel. May 8, 1997).

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator’s Decision, which are posted on the website at <www.universalservice.org>. **You must file your appeal with the FCC no later than 30 days from the date on this letter for your appeal to be filed in a timely fashion.**

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company